

TKU Regulations for Prevention and Treatment of Sexual Assault, Sexual Harassment and Sexual Bullying

TKU Regulation No. 1030006470 (07/02/2014)

1. In order to guarantee the rights of students for education and growth and to maintain a learning and work environment for faculty, administrative staff, workers and students free of sexual assault, sexual harassment and sexual bullying and moreover to have effective prevention and treatment of incidences of sexual assault, sexual harassment and sexual bullying, this set of regulations have been enacted in accordance with Article 20 Paragraph 2 of the Gender Equity Education Act, Article 34 of the Regulations on the Prevention of Sexual Assault, Sexual Harassment, and Sexual Bullying on Campus and Article 7 of the Sexual Harassment Prevention Act.
2. The appropriate target group members of these regulations are those who undergo investigation and treatment in accord with the Gender Equity Education Act. The other target group members are the TKU faculty, administrative staff, workers and students who appeal a case involving the Gender Equality in Employment Act or Sexual Harassment Prevention Act; they must appeal to the Gender Equity Education Committee (hereafter abbreviated GEEC) for investigation and deliberation in accord with the abovementioned Acts.

Cases of TKU students involving the Sexual Harassment Prevention Act must be handled by the university; the Office of Student Affairs is the responsible authority. The appeal and treatment should be conducted in accord with these regulations.

3. When TKU faculty, administrative staff, workers and students are subjected to acts of sexual assault, sexual harassment and sexual bullying by others or inflict such acts upon others, besides the regulations provided for in these laws and statutes, the procedure for applying for investigation, witnessing, treatment and giving relief shall employ these regulations.

If the case of sexual assault, sexual harassment and sexual bullying involves violating the Protection of Children and Youths Welfare and Rights Act, the Children and Youths Sexual Transaction Prevention Act or the Sexual Assault Crime Prevention Act, the university in addition to informing authorities shall

according to the law also promptly report to each of the responsible authorities the disposal of the matter.

4. The definitions of the terms used in these regulations follow below:

(1) Sexual assault: this refers to behavior that the Sexual Assault Crimes Prevention Act calls sexual assault crimes.

(2) Sexual harassment: this refers to one of the conditions which conform to those listed below but which do not reach to the extent of sexual assault:

a) In a direct or suggestive manner, words or behaviors that are unwelcome and have a sexual import or gender discrimination are engaged in and affect the opportunity or performance of human dignity, study or work.

b) Sex or gender related behavior is taken as a condition of acquisition, loss or impairment of the related study or work rights of oneself or others.

(3) Sexual bullying: this refers to behavior carried out that debases, attacks or threatens the gender characteristics, gender qualities, sexual orientation or gender identity of others by verbal, physical or other violence and that does not accord with sexual harassment.

(4) Cases of campus sexual assault, sexual harassment and sexual bullying (hereafter combined together and called campus gender equity cases): this refers to campus gender equity cases that occur first party among the TKU university president, instructors, staff members, workers, students, and other party among students (including students from different schools).

What the preceding subparagraph 4 calls instructors refers to full-time instructors, part-time instructors, acting instructors, nursing instructors, military instructors, and other personnel that carry out instruction, research, educational training. A so-called staff member or worker refers to non-instructional personnel who on a fixed or periodic basis perform the regular work of the university. A so-called student refers to those who have official student status, who are pursuing extension education or who are exchange students.

5. The university should actively advance the following measures in order to

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implement education to prevent campus sexual assault, sexual harassment and sexual bullying:

- (1) Utilize emails and various meetings like symposiums, teacher-student meetings, weekly meetings of instructors, staff members, workers, and students to strengthen the educational outreach activities to prevent campus sexual assault, sexual harassment and sexual bullying.
 - (2) Advocate and encourage victims and witnesses of campus gender equity cases to apply as soon as possible for investigation or witnessing to facilitate handling of evidence collection and investigation.
 - (3) Use official leaves of absences and expenditure subsidies to encourage related personnel of the GEEC and those responsible for the disposition of campus gender equity cases to participate in various on-campus and off-campus training and learning activities related to the disposition of campus gender equity cases.
 - (4) Actively collect relevant information on the prevention of campus sexual assault, sexual harassment and sexual bullying and provide it to related personnel.
6. Based on space allocation, management and maintenance, the system of labeling, emergency assistance system and safety routes, illumination and space accessibility, and other space safety elements and within a fixed time limit, the university should review the planning and use conditions of TKU's overall campus safety and facilities, produce a campus space survey report, and also record the locations where campus gender equity cases have occurred before and draw a map of hazards on campus in order to effectively prevent campus gender equity cases.

The campus safety and facilities plan of the preceding paragraph should take into account the special characteristics of the students' physical and mental abilities and their cultural and language differences and provide safety plans and explanations that accord with their safety needs; their range should include the dormitories, bathroom and restroom facilities, school bus, etc.

7. When TKU instructors, staff members, workers and students carry out on-campus and off-campus educational activities, perform their job or undertake interpersonal interactions, they should esteem sexual diversity and individual differences:

- (1) As required when instructors and staff members undertake instruction, guidance, training, assessment, management, counseling or providing students with work opportunities which include interpersonal interactions related to sex or gender, there should be no development of relations contrary to professional ethics. If such a mistake happens, the individual should of his or her own accord avoid the various instances of interaction with the person(s) involved or send a report to the school for handling.
- (2) As required instructors, staff members, workers and students should esteem the sex of others and themselves and the autonomy of the body. Also none of the behaviors listed below are permitted:
 - a) Pursuing behavior that is unwelcomed.
 - b) Using force or violent means to handle conflicts related to sex or gender.
 - c) Using verbal, physical or other violence that debases, attacks or threatens the gender characteristics, gender qualities, sexual orientation or gender identity of others.
 - d) Sexual discrimination.
8. When a suspected campus gender equity case occurs, the victim or his/her legal representative (hereafter abbreviated applicant) or witness should attach related evidence and by word, writing or email contact the university's GEEC and apply for investigation or witnessing. If the defendant is someone holding a part-time post, the application should be made to the school where the individual is employed part-time. However when a senior officer of a school is the accused, the application for investigation should be made to the supervisory organization to which the school belongs.

After the GEEC receives the documents, a qualified individual should take care of the related administrative arrangements.

If the GEEC receives an application for investigation or witnessing which fits one of the following situations listed below, it is inadmissible:

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- (1) The regulations are not applicable to the target group member.
 - (2) The applicant or witness has not yet provided his/her real full name.
 - (3) The same case has already been completed before.
9. After the GEEC accepts an application for investigation or witnessing, an investigation subcommittee is formed to investigate the case.

The investigation subcommittee is set up with three or five members in principle; the subcommittee membership should possess an awareness of gender equality; the proportion of female members should consist of at least half of the membership or more; if necessary a portion of the subcommittee membership can be engaged from off-campus. Those with specialized experience investigating campus gender equity cases should compose one third of the membership or more. When both sides of the parties concerned belong to different schools, there should be a representative of the applicant's school present.

Whenever a member of the committee or subcommittee has kinship relations or the same department teacher-student relations or supervisor-subordinate relations with the applicant, witness, or defendant or is in some way involved with the details of the case, he or she should voluntarily avoid a conflict of interest and not participate in the handling procedures. One who should avoid a conflict of interest but has not must be ordered to do so by a resolution of the committee.

Personnel who counsel the parties concerned with the campus gender equity case should avoid participating in the investigation work of the case. Personnel who participate in the investigation and handling of the case likewise should avoid any counseling work provided to the parties concerned.

10. After the committee has accepted the application or witnessing, it must complete the investigation within two months' time. When required the time can be extended but with a limit of only two extensions; each time of extension cannot exceed one month of duration. Simultaneously the applicant, witness and defendant should be informed.

While the committee is investigating and handling the case, it cannot be influenced by the fact that the case is or is not undergoing judicial process, nor by the outcomes of such a process. Likewise if the defendant has been stripped of his or her original status, the investigation cannot be discontinued.

During the duration of the investigation, the investigating subcommittee members shall be granted official leaves of absence and provided with transportation expenses and other associated expenses according to school regulations.

11. When investigating and handling the campus gender equity case, members should be objective, impartial, and professional in principle. Both parties concerned should be provided with ample opportunities to state their opinion and to reply to the charges. However repetitive examination should be avoided.

When the university is handling the campus gender equity case, the defendant or his/her legal representative should be informed about his or her rights to advocacy and various aid channels or be referred to relevant organizations for disposition. If required, the defendant should be provided with suitable assistance, including a legal advice channel, consultative psychological counseling, help with schoolwork, economic assistance and other protective measures or assistance that the GEEC deems necessary.

The assistance mentioned in the preceding paragraph refers to appointing professionals like physicians, psychologists, social workers, lawyers, etc.

If the accused is a TKU instructor, staff member or worker, that person's superior should be notified.

12. When the university president, instructor, staff member or worker learns of a suspected occurrence of a campus gender equity case, he or she should immediately in accord with these regulations, the Sexual Assault Crime Prevention Act, the Protection of Children and Youths Welfare and Rights Act, the Handicap Protection Act and other related regulations, inform the responsible authorities of the Office of Military Education and Training and the Counseling Section, so that in accordance with the law administrative notification or statutory notification can be made at the latest not exceeding 24 hours.

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In the inquiring and handling of the campus gender equity case when notifying the responsible authorities, the names of the parties concerned and witnessing or other information sufficient to ascertain their identities must be held in the strictest confidence.

The investigation subcommittee and related work personnel are under obligation to maintain secrecy and should safeguard the personal dignity and privacy of the parties concerned, the witness, and individuals assisting the investigation. Those in violation will be punished in accord with the relevant laws.

13. The GEEC when deliberating on the campus gender equity case should establish the facts based upon the investigation subcommittee's report.

After the GEEC has deliberated upon the investigation's truthfulness, the accused should be ordered to receive psychological counseling and accept one or several of the proposed dispositions or penalties listed below:

- (1) With the approval of the victim or his or her legal representative, the accused shall make an apology to the victim.
- (2) Take eight hours of courses related to gender equality education.
- (3) Other measures complying with educational objectives.
- (4) The accused is a university instructor: Recommend that the instructor evaluation committee take disciplinary action either to maintain the original employment, not to renew employment, to halt employment or to dismiss the employee.
- (5) The accused is a university staff member: Recommend the staff members personnel review committee take disciplinary action either to reprimand, to record a demerit, to retain original salary, to reduce employment rank or to discontinue employment.
- (6) The accused is a student: Recommend the Office of Student Affairs record a demerit according to the Regulations for Student Counseling and Rewards and Punishments.

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In cases of sexual harassment or sexual bullying where the circumstances are not too serious, any necessary disposition should only be in accord with the aforementioned Sections 1 to 3.

14. The office that has the authority to impose disciplinary action of the preceding regulatory sections of which if any involve a change in the status of the accused, should allow him or her the opportunity to express his or her opinion in written form.

In order to prevent the person receiving disciplinary action from making reprisals against the victim or the witness, the office that has the authority to impose disciplinary action of the preceding regulatory sections when doing so, should give warning against making any such reprisals.

15. If the applicant or the defendant has an objection to the case outcome, he or she can within twenty days after receiving written notification submit a response in written form explaining his or her reasons to the university secretariat; however this is limited to one time only.

After receiving the response, the original office can handle it according to the procedure listed below:

- (1) Form a review subcommittee which within thirty days will arrive at a resolution concerning the submitted reasons.
- (2) The review subcommittee of the preceding paragraph includes three to five members who are specialists in gender equity education and the legal profession. The composition of the subcommittee members should consist of a proportion numbering one half or more females and of a proportion numbering one third or more those who have specialized experience investigating campus sexual assault, sexual harassment and sexual bullying. The subcommittee members select a convener who also moderates the meetings.
- (3) Original members of the GEEC and original members of the investigation subcommittee cannot serve as members of the review subcommittee.
- (4) When the response is justified, the related responsible authorities should be notified about the resolution of the response to again make a decision.

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16. If there are any outstanding issues in these regulations, they should be handled in accord with the Gender Equity Education Act, Regulations on the Prevention of Sexual Assault, Sexual Harassment, and Sexual Bullying on Campus, and the Sexual Harassment Prevention Act.
17. This set of regulations will take effect on the date of its publication after being passed in a TKU administrative affairs meeting; the same applies to any later amendments made.